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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,177	02/08/2001	Vincent Frese II	4T02.1-020	6473

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EXAMINER

DINH, DUNG C

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 01/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/779,177	Applicant(s) FRESE ET AL. <i>Frese</i>	
	Examiner Dung Dinh	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 23-37 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-18 and 23-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> . | 6) <input type="checkbox"/> Other: _____   |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**Claims 11-17, 18, 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardailler "X over the Web" and further in view of Gosling et al. "The Java Language Environment."**

As per claim 18, Dardailler teaches a method for providing remote control of an application program [p.72 5<sup>th</sup> paragraph "demo application", and p.73 "remote execution"], comprising the steps of:

determining that a user at a first computer system desires remote control over an application at a second computer system [pp.73-74 clicking on the rx anchor];

a remote display module [p.75 rx agent] to enable said first and second computer to communicate remotely;

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executing the remote display module at the second computer to establish a remote control communication between a user interface at said first computer and an application at said second computer [p.78].

Dardailler does not teach the remote display module being transported over the network when demanded by the user. However, Gosling teaches a Java execution environment that does not require pre-installation of new program module. The program module is written as a Java applet that is downloaded dynamically as user demands [see section 9.1.2 p.75 and 9.1.4 p.76]. Gosling teaching removes static limitations of the Web browser and enable open-ended addition of functionalities and protocols. The environment improved the prior art system by providing access to new functionalities without pre-installing the software [see p.75-80].

Dardailler expressed the desire to minimize changes to client computer (i.e. first computer) [see p.74 2<sup>nd</sup> paragraph]. Hence, it would have been obvious for one of ordinary skill in the art, at the time of the invention, to combine the teaching of Gosling to Dardailler to have the rx agent as an Java applet because it would have eliminated the need to modify the first computer with preinstalled rx agent and improved the flexibility of the system by enabling the rx agent to be conveniently upgraded or modified, and downloaded to the user on demands.

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Claims 23-37 are rejected under the same rationale as for claim 18 above.

As per claim 11, Dardailler teaches executing a remote display module (rx agent) at a second computer to establish communication between the user interface to computer resources at said second computer and a first computer through the remote display module [p.78];

Launching an application program and application interception module at the first computer [p.78 "activate the specified program" and "activation script ... is the unique entry point to the real execution of the remote program."] to establish communication between the application interception module and the remote display module [p.78 "The rx agent must send the necessary information to this script for the remote execution to happen."] whereby I/O messages are communicated between the application program and the user interface at the second computer [apparent process of the X protocol].

Dardailler does not teach transporting the remote display module from the first computer to the second computer. The obviousness rationale is as stated for claim 18 above.

As per claims 12-14, it is apparent that the system as modified would have the rx agent as an applet transported to the second computer via an activation of an applet tag in an HTML

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document. Gosling discloses that applet is executed by an interpreter at the browser computer [p.81].

As per claims 15-16, it is apparent that I/O message from the application program must be translated to a form suitable for transmission over the network and that the rx agent would translate the message received from the network to I/O messages for the second computer and vice versa.

As per claim 17, Dardailler teaches the rx agent sending attribute data [p.78 - UI protocol, display ID, window ID, size information] to the first computer. It is apparent that the information is stored somewhere in the first computer in order to enable the remote control session. Hence, it is apparent that Dardailler has a "cache memory" as claimed.

#### ***Allowable Subject Matter***

Claims 1-10 are allowable. The prior art does not teach a system for on demand remote application control having an application interception module for converting I/O stream protocol used to interface the application to local resources on the first computer into a first remote control protocol, and a remote display module converting the first remote control protocol into a second I/O stream protocol used to interface to local resources on the second computer; the remote display

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module being transported over the network from the first computer to the second computer on-demand.

**Conclusion**

The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this office action. Transfer of drawing from prior application is no longer done by the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.


Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)  
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

  
Dung C. Dinh  
Primary Examiner